

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

WILLIAM C. SPENT, JR. d/b/a)
SPENT SADDLERY & FEEDS,)
Plaintiff,)
VS.) Civil Action No. SA-09-CA-0838-XR
LONE STAR SILVERSMITH, INC.)
and JEFF DEES,)
Defendants.)

AFFIDAVIT OF JEFF DEES

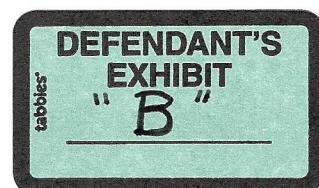
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Before me, the undersigned notary public, personally appeared Jeff Dees, a credible person, who, upon his oath, deposed and said as follows:

“My name is Jeff Dees. I am the President of Lone Star Silversmith, Inc. I am over the age of eighteen (18). I am competent and of sound mind, and fully capable to make this Affidavit. I have not been convicted of any crimes. I have personal knowledge of the facts contained herein, which are true and correct.

1. As President of Lone Star Silversmith, Inc. I am in charge of all aspects of my small business. I am in the business of providing belt buckles for rodeos to present to the winners of the various rodeo events. A typical rodeo belt buckle will include the name of the rodeo, the rank of the contestant, and the event artwork or motif.



2. Due to inadvertence, Mr. Spent's "motif/artwork" for team penning was included in my Company's catalog. It was not intentionally placed in the catalog. I was not aware Mr. Spent's "motif/artwork" was in the catalog until I received this lawsuit. It was an unfortunate, innocent, inadvertent error that allowed the motif/artwork of Mr. Spent to be placed in our catalog with numerous other motifs/artwork.

3. As the owner of the company I did not supervise the placement of photographs in the new product catalogs we were producing. It is my error that allowed Mr. Spent's artwork photograph to be placed in the stack of other photographs of motifs/artwork. The individual preparing the catalogs was unaware that the motif of Mr. Spent's was not mine. We have hundreds of motifs for different events and other motifs for team penning. When the catalog was finished, I was not aware Mr. Spent's motif was in the final product.

4. Once the error was brought to my attention I immediately sent the motif die to Mr. Spent's attorney so we would not sell that product. Team penning is not a major rodeo event and the team penning buckle is not a high volume selling belt buckle for our company. We have other team penning motifs/artwork that we use on our buckles. Mr. Spent's team penning motif is just one of other team penning motifs available to several manufacturers that provide belt buckles to the rodeo industry.

5. My belt buckle business is based on the look and shape of the belt buckle, the name of the rodeo event, the place the contestant finishes, and the motif/artwork showing the event. The actual motif or artwork displayed in our catalog is not necessarily the motif or artwork that the customer will receive when the belt buckle is delivered. In my belt buckle business we have several motifs for other events that are available to the factory workers who stamp the metal and the motif

onto the metal at the time the order is received at the factory in Mexico where my belt buckles are made. Of the other art motifs for team penning we do not require the motif to exactly match the motif in the catalog. The motif in the catalog is for illustration purposes. We have never had a complaint from a consumer that the motif did not match the motif listed in the catalog. Further, in my belt buckle business we do not keep records of the motifs sold since they are not relevant to the buckle being sold.

6. As a small business owner I have other employees who assist me with the production of the catalog. When the decision was made to produce a catalog for rodeo event promoters and others who may be interested in our product I directed one of my employees to handle the assembly and coordination of the photographs for the catalog. Unfortunately, when I reviewed the final product I did not notice that a photograph of Mr. Spent's motif was included in the team penning belt buckle photos. This was simply an innocent error on my part.

7. There was no intent to use someone else's motif/artwork in our company's catalog. There was no need to use someone else's team penning motif and artwork since I had others available to me to use that were of equal quality and available without any issues with copyright. There is no reason to use another's copyrighted team penning artwork since other artwork motifs for team penning are readily available to me and have been previously utilized in my team penning belt buckles that I have sold to rodeos and consumers in the past.

Further affiant sayeth not."



Jeff Dees

STATE OF TEXAS

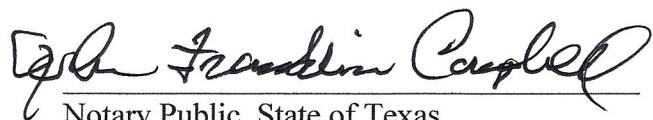
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Before me, a notary public, on this day personally appeared Jeff Dees, known to me to be the person whose name is subscribed to the foregoing instrument, who, after being duly sworn by me, stated on oath that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 5th day of August, 2010.



Notary Public, State of Texas

